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BY: Louis Drain Date: May 3, 2005

MAIL STOP AMENDMENT

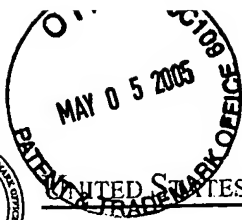
**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In Re Patent Application of:	:	
Makoto Uchida, <i>et al.</i>	:	
Conf. No.: 5588	:	Group Art Unit: 1745
Appln. No.: 10/089,814	:	Examiner: Susy Tsang Foster
Filing Date: April 4, 2002	:	Attorney Docket No.: 10059-413US (P26104-01)
Title: POLYELECTROLYTE FUEL CELL AND PRODUCTION METHOD THEREFOR	:	

**RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT (37 C.F.R. 1.121)  
REGARDING RESPONSE TO OFFICE ACTION FILED JANUARY 21, 2005**

This is in response to the Notice of Non-Compliant Amendment (37 C.F.R. 1.121) of April 20, 2005 (copy enclosed) regarding the January 21, 2005 response to the Office Action dated October 20, 2004 (Paper No. 20041018). This response is being timely submitted by May 20, 2005, within the one-month period for responding to the Notice of Non-Compliant Amendment.

Applicants correct the Amendment filed January 21, 2005 by providing a corrected "Amendments to and Listing of the Claims" section of the prior response. Only this section is being provided in accordance with the instructions in the Notice.



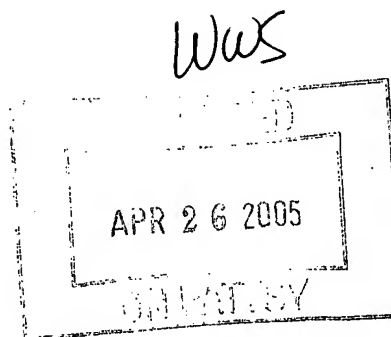
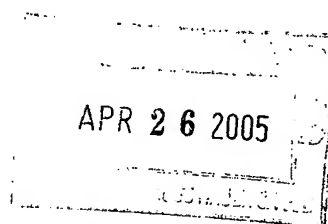
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/089,814	04/04/2002	Makoto Uchida	10059-413US (P26104-01)	5588
570	7590	04/20/2005	EXAMINER	
AKIN GUMP STRAUSS HAUER & FELD L.L.P. ONE COMMERCE SQUARE 2005 MARKET STREET, SUITE 2200 PHILADELPHIA, PA 19103-7013			TSANG FOSTER, SUSY N	
			ART UNIT	PAPER NUMBER
			1745	

DATE MAILED: 04/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



DEADLINE: 5/20/05

**Notice of Non-Compliant  
Amendment (37 CFR 1.121)**

Application No.

10/089,814

Examiner

Susy N. Tsang-Foster

Applicant(s)

UCHIDA ET AL.

Art Unit

1745

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 24 January 2005 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
  - ☐ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☐ C. Other \_\_\_\_\_.
- ☐ 2. Abstract:
  - ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☐ B. Other \_\_\_\_\_.
- ☐ 3. Amendments to the drawings:
  - ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
  - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
  - ☐ C. Other \_\_\_\_\_.
- ☒ 4. Amendments to the claims:
  - ☐ A. A complete listing of all of the claims is not present.
  - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
  - ☒ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☒ E. Other: Please note that the status identifiers for claims 8 and 9 are incorrect.

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf>.

**TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:**

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted within the time period set forth in the final Office action.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action.

**Extensions of time** are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

**Failure to timely respond** to this notice will result in:

**Abandonment** of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or

**Non-entry** of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

**SUSY TSANG-FOSTER  
PRIMARY EXAMINER**

*Susy Tsang-Foster*